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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,241	01/03/2002	Hiroyuki Saito	F-7270	6653

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EXAMINER

REKSTAD, ERICK J

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/037,241	Applicant(s) SAITO ET AL.	
	Examiner Erick Rekstad	Art Unit 2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3 and 4 is/are allowed.
- 6) ☒ Claim(s) 1,2,5 and 6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is a final action for application no. 10/037,241 in response to the amendment filed on April 7, 2005 wherein claims 1-6 are presented for examination.

Response to Arguments

Applicant's arguments filed April 7, 2005 have been fully considered but they are not persuasive. The Applicant argues that each independent claim recites the limitation "that widths of quantization and conversion regions of the left and/or right sensor arrays are varied during quantization according to the difference in sensitivity between the sensor arrays or light sensitive cells." Claim 1 recites the limitation "varying the width of said quantization and conversion region according to a difference in sensitivity between said sensor arrays or between said light-sensitive cells during the quantization." This is interpreted by the examiner to mean the varying is according to a difference in sensitivity between said sensor arrays or the varying is according to a difference in sensitivity between said light-sensitive cells during the quantization. Wherein the "during the quantization" requirement is only required when varying the width according to a difference in sensitivity between said light-sensitive cells. Therefore, Nakahara satisfies the requirement of independent claim 1 and dependent claims 2, 5 and 6.

Allowable Subject Matter

Claim 3 and 4 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: As shown below, Nakahara teaches an image signal output device similar to that claimed by claim 3. Nakahara does not teach "wherein the width of said quantization and conversion region is varied and determined during quantization by first and second reference voltages". Claim 4 depends on allowed claim 3 and therefore is allowable.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 5 and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,263,164 to Nakahara et al.

[claim 1]

Nakahara teaches the method of focusing an image from a subject onto a pair of sensor arrays each consisting of a plurality of light-sensitive cells;

Quantizing outputs from said light-sensitive cells contained in a quantization and conversion region of each sensor array having a preset width (Col 55 Lines 23-67, Fig. 38); and

Varying the width of said quantization and conversion region according to a difference in sensitivity between said sensor arrays or between said light-sensitive cells during the quantization (Col 57 Line 60-Col 58 Line 13, Figs. 45A-45C).

[claims 2, 5 and 6]

As shown in Figure 38, Nakahara teaches a rangefinder within a camera containing a pair of sensor arrays (153L and 153R) each consisting of a plurality of light-sensitive cells onto which an image from a subject is focused; a quantization portion (154L and 154R) for quantizing outputs from said light-sensitive cells contained in a quantization and conversion region of each sensor array having a preset width (Col 55 Lines 23-67). Further as shown in Figure 45A-45C, Nakahara teaches said quantization portion includes varying portion for varying the width of the quantization and conversion region according to a difference in sensitivity between said sensor arrays or between said light-sensitive cells during the quantization (Col 57 Line 60-Col 58 Line 13, Col 60 Lines 10-19, Col 61 Lines 4-23, Col 62 Lines 34-56, Fig. 52). As required by claim 6, Nakahara teaches the rangefinder contained in an image device (Col 53 Line 30-Col 54 Line 60, Figs. 35-37).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is

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filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erick Rekstad whose telephone number is 571-272-7338. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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